



DFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Lawrence A. Shimp et al.
SERIAL NO. : 10/005,238 ATTORNEY DOCKET :25400-208
FILED : December 5, 2001
FOR Spinal Intervertebral Implant, Interconnections for
Such Implant and Processes for Making
EXAMINER : David Willse ART UNIT: 3738

LETTER TO OFFICIAL DRAFTSPERSON

MS Issue Fee
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

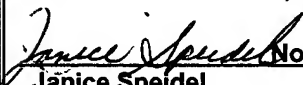
Sir:

Applicants are in receipt of a Notice Regarding the Drawings stating that no corrections to the drawings filed on December 5, 2001 were received by the PTO. This paper is error. The PTO lost the formal drawings that were filed subsequently on October 9, 2002.

The Patent Office received the drawings as evidenced by the enclosed post card receipt showing that 21 sheets of formal drawing were received on October 9, 2001. Further evidence that the drawings were not only received, but accepted, is shown by the enclosed copy of the Notice of Allowability accompanying the Notice of Allowance dated July 27, 2004 and signed by the Examiner Mr. Willse.

Enclosed is a copy of the previously filed Letter to the Official Draftsperson with a certificate of mailing dated October 4, 2003. Obviously the Patent Office has misplaced the previously filed formal drawings.

Enclosed are copies of the twenty-one (21) sheets of formal drawing previously submitted and accepted by the PTO. Approval of the enclosed drawing should be given as these are the same as previously filed and are submitted for the convenience of the Patent Office in view of the fact it has misplaced the prior filed drawings.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:	
MS Issue Fee Commissioner for Patents Box 1450 Alexandria, VA 2213-1450	
 Janice Speidel	November 22, 2004 Date

#156412

Respectfully submitted,
Lawrence A. Shimp et al.


By William Squire
Reg. No. 25,378
Attorney for Applicant
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Five Becker Farm Road
Roseland, NJ 07068
Tel. No.: (973) 994-1700
Fax No. : (973) 994-1744
Email: wsquire@carellabyrne.com

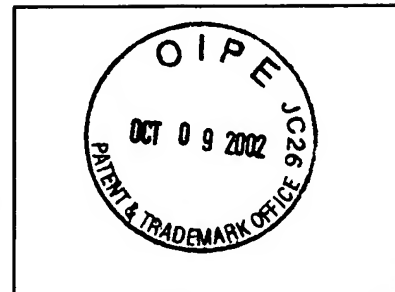


Please date stamp and return to addressee on reverse side

Applicant(s): LAWRENCE A. SHIMP ET AL.

Serial No.: 10/005,238 Filed: DEC. 5, 2001

Title (or mark): SPINAL INTERVERTEBRAL IMPLANT, INTERCONNECTORS
FOR SUCH IMPLANT AND PROCESSES FOR MAKING



DOCUMENTS ENCLOSED

☐ Application sheets: Descr.: _____
Drawing sheets: _____

Claims _____ Abstract _____
☐ Formal ☐ Informal

☐ Declaration (executed _____)

☐ Assignment to _____

☐ Verified Statement Claiming Small Entity Status

☐ Type of OA: _____

☐ Response to OA dated _____

☐ Inform. Discl. Statement

☐ _____ Mo. Ext. of Time

☒ LETTER TO OFFICIAL DRAFTSPERSON

☐ Other _____

☐ Check Amount \$ _____ No. _____

☒ Formal Drawing 21 sheets

Express Mail Label No.: _____

First class mail

Deposited on: _____

Certificate Dated: OCT 4, 2002

Atty.: WS

Docket No.: 525400-208



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

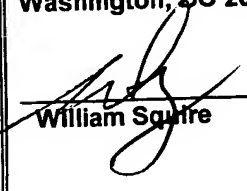
APPLICANT : Lawrence A. Shimp et al.
SERIAL NO. : 10/005,238
FILED : December 5, 2001
FOR : Spinal Intervertebral Implant, Interconnections for
Such Implant and Processes for Making
EXAMINER : Not assigned ART UNIT: 3738
ATTORNEY DOCKET : 525400-208

LETTER TO OFFICIAL DRAFTSPERSON

Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

Sir:

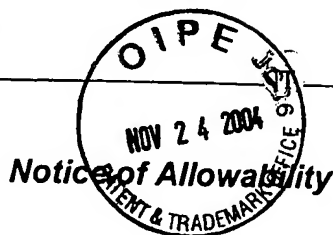
Enclosed are twenty-one (21) sheets of formal drawing to be substituted for the drawing now in the case. Subject to the approval of the Examiner in charge, substitution of the enclosed drawing is respectfully requested.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:	
Box Non-Fee Amendment Commissioner for Patents Washington, DC 20231	
 William Squire	October 4, 2002 Date

#156412

Respectfully submitted,
Lawrence A. Shimp et al.


By William Squire
Reg. No. 25,378
Attorney for Applicant
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Six Becker Farm Road
Roseland, NJ 07068
Tel. No.: (973) 994-1700
Fax No.: (973) 994-1744
Email: wsquire@carellabyrne.com



Application No.

10/005,238

Examiner

Dave Willse

Applicant(s)

SHIMP ET AL.

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone conference of July 20, 2004.
2. ☒ The allowed claim(s) is/are 1-10, 12-14, 18-20, 22, 23, 25-29, 33 and 60-63.
3. ☒ The drawings filed on October 9, 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Dave Willse
Primary Examiner
Art Unit: 3738